

**78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies -- Voting -- Power of chair.**

- (1) The membership of the commission consists of the following 11 members:
  - (a) two members of the House of Representatives to be appointed by the speaker of the House of Representatives for a four-year term, not more than one of whom may be of the same political party as the speaker;
  - (b) two members of the Senate to be appointed by the president of the Senate for a four-year term, not more than one of whom may be of the same political party as the president;
  - (c) two members of, and in good standing with, the Utah State Bar, who shall be appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may reside in the same judicial district;
  - (d) three persons not members of the Utah State Bar, who shall be appointed by the governor, with the consent of the Senate, for four-year terms, not more than two of whom may be of the same political party as the governor; and
  - (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year term, neither of whom may:
    - (i) be a member of the Utah Supreme Court;
    - (ii) serve on the same level of court as the other; and
    - (iii) if trial judges, serve primarily in the same judicial district as the other.
- (2) (a) The terms of the members shall be staggered so that approximately half of the commission expires every two years.
- (b) Members of the commission may not serve longer than eight years.
- (3) The commission shall establish guidelines and procedures for the disqualification of any member from consideration of any matter. A judge who is a member of the commission or the Supreme Court may not participate in any proceedings involving the judge's own removal or retirement.
- (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the appointing authority for that position for the unexpired term.
- (b) If the appointing authority fails to appoint a replacement, the commissioners who have been appointed may act as a commission under all the provisions of this section.
- (5) Six members of the commission shall constitute a quorum. Any action of a majority of the quorum constitutes the action of the commission.
- (6) (a) At each commission meeting, the chair and executive director shall schedule all complaints to be heard by the commission and present any information from which a reasonable inference can be drawn that a judge has committed misconduct so that the commission may determine by majority vote of a quorum whether the executive director shall draft a written complaint in accordance with Subsection 78A-11-102(2)(b).
- (b) The chair and executive director may not act to dismiss any complaint without a majority vote of a quorum of the commission.
- (7) It is the responsibility of the chair and the executive director to ensure that the commission complies with the procedures of the commission.
- (8) The chair shall be nonvoting except in the case of a tie vote.

(9) The chair shall be allowed the actual expenses of secretarial services, the expenses of services for either a court reporter or a transcriber of electronic tape recordings, and other necessary administrative expenses incurred in the performance of the duties of the commission.

(10) Upon a majority vote of the quorum, the commission may:

(a) employ an executive director, legal counsel, investigators, and other staff to assist the commission; and

(b) incur other reasonable and necessary expenses within the authorized budget of the commission and consistent with the duties of the commission.

(11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

Amended by Chapter 133, 2012 General Session